



U.S. Department of Justice

Immigration and Naturalization Service

OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536

File: EAC 99 229 50131 Office: Vermont Service Center

Date: APR 12 2000

IN RE: Petitioner:

Applicant:

Application: Application for Change of Nonimmigrant Status Pursuant to 8 C.F.R. 248.3(a)

IN BEHALF OF APPLICANT:

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Terrance M. O'Reilly, Director
Administrative Appeals Office

...on any way... should be
prevent clearly unwarranted
invasion of personal privacy

DISCUSSION: The petition for a nonimmigrant worker was filed as an application for a change of the applicant's status in the United States to that of an R-1 Religious Worker, pursuant to 8 C.F.R. 248.3(a).

The petition was denied by the Director, Vermont Service Center. In a subsequent motion to reconsider, the director's decision was affirmed and the director incorrectly advised the applicant that the decision could be appealed to the Associate Commissioner for Examinations. The appeal will be rejected.

The regulation at 8 C.F.R. 248.3(g) states:

Denial of application. When the application is denied, the applicant shall be notified of the decision and the reasons for the denial. There is no appeal from the denial of the application under this chapter.

The regulation at 8 C.F.R. 103.5(a)(6) states:

Appeal to AAU from Service decision made as a result of a motion. A field office decision made as a result of a motion may be applied (sic) to the AAU only if the original decision was appealable to the AAU.

ORDER: The appeal is rejected.